

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADOBE SYSTEMS INCORPORATED,

No. C-09-1078 MMC

Plaintiff,

**ORDER DISMISSING WITHOUT
PREJUDICE JENNIFER TRUESDELL'S
CROSS-CLAIM**

v.

GRACIE TRUESDELL, et al.,

Defendants

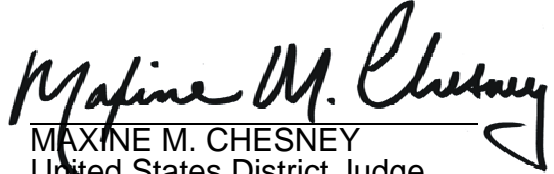
By separate order filed concurrently herewith, the Court has dismissed the claims alleged in the First Amended Complaint ("FAC"), specifically, plaintiff's federal claims for copyright infringement and for trademark infringement. The remaining claim in the above-titled action is the cross-claim for indemnification filed by defendant Jennifer Truesdell against defendant Gracie Truesdell. The Court's jurisdiction over the cross-claim is supplemental in nature. See 28 U.S.C. § 1367(a).

Where a court has dismissed all claims over which it has original jurisdiction, the court may decline to exercise supplemental jurisdiction over any remaining claims. See 28 U.S.C. § 1367(c)(3). Here, as noted, the federal claims alleged in the FAC have been dismissed. Further, because the parties to the cross-claim both reside in Wisconsin and each is proceeding pro se, the Court's retention of jurisdiction over said remaining matter would not appear to be convenient for, or otherwise in the interests of, either such party.

1 Under the circumstances, the Court finds it appropriate to decline to exercise
2 supplemental jurisdiction over the cross-claim, and, accordingly, hereby DISMISSES the
3 cross-claim, without prejudice to Jennifer Truesdell's refiling the cross-claim in an
4 appropriate state court forum. See 28 U.S.C. § 1367(d).

5 **IT IS SO ORDERED.**

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7 Dated: October 22, 2009

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9 MAXINE M. CHESNEY
10 United States District Judge
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